

EXHIBIT 1 - Order Granting

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Gregg W. Zive

Honorable Gregg W. Zive
United States Bankruptcy Judge



Entered on Docket
March 27, 2017

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ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND,
LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725 GWZ
Case No. BK-S-06-10726 GWZ
Case No. BK-S-06-10727 GWZ
Case No. BK-S-06-10728 GWZ
Case No. BK-S-06-10729 GWZ

Chapter Number: 11

Jointly Administered Under
Case No. BK-S-06-10725 GWZ

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Hearing Date: February 23, 2017

Hearing Time: 10:00 a.m.

Hearing Location:

**United States Bankruptcy Court
C. Clifton Young Federal Building
300 Booth Street, Fifth Floor
Reno, Nevada 89509**

**ORDER GRANTING POST-EFFECTIVE DATE USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC's FINAL REPORT AND MOTION FOR ENTRY OF FINAL
DECREE CLOSING CHAPTER 11 CASE**

Snell & Wilmer
LLP

LAW OFFICES
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1 Upon consideration of the *Final Report and Motion for Entry of Final Decree Closing*
2 *Chapter 11 Case* (the “Motion”) filed by Post-Effective Date USA Capital Diversified Trust
3 Deed Fund, LLC (“Diversified”); the Court having held a hearing on the Motion on February 23,
4 2017 at 10:00 a.m.; and for good cause appearing therefor:

5 **THE COURT HEREBY FINDS that:**

6 1. The Court has jurisdiction over this matter pursuant to ¶ 75 of the Plan¹ and 28
7 U.S.C. §§ 1334 and 157(b)(2).

8 2. Diversified’s Estate has been fully administered under 11 U.S.C. § 305(a) and Fed.
9 R. Bankr. P. 3022.

10 3. The Plan has been substantially consummated under 11 U.S.C. § 1101(2).

11 4. Due notice of the Motion having been given, all parties having had a chance to
12 appear and oppose the Motion, no party having opposed the Motion, and sufficient cause
13 appearing.

14 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

15 A. The Motion is GRANTED in its entirety;

16 B. Diversified’s Chapter 11 case (“Bankruptcy Case”) is hereby CLOSED and the
17 Clerk of the Court is directed to enter the Final Decree on the docket for Case No. 06-10727
18 GWZ;

19 C. Diversified shall pay any outstanding quarterly fees, if any, due under 28 U.S.C.
20 § 1930(a)(6);

21 D. Michael Tucker is granted the authority to endorse any unclaimed funds over to
22 the Court on behalf of Diversified and to file an unclaimed funds report with the Court, if
23 necessary;

24 E. The provisions of the Plan continue to bind any creditor or equity interest holder of
25 Diversified, whether or not the claim or interest of such creditor or equity interest holder is
26

27 ¹ Capitalized terms not otherwise defined herein shall have the meaning given to those terms in the
28 Motion.

1 impaired under the Plan and whether or not such creditor or equity interest holder has accepted
2 the Plan;

3 F. Diversified has fully and faithfully fulfilled all of its duties and responsibilities
4 under the Plan;

5 G. Pursuant to the Plan, dissolution of Diversified was completed and appropriate;
6 and

7 H. Notwithstanding any stay that may be applicable, this Order shall be effective and
8 enforceable immediately upon entry hereof.

9 **IT IS SO ORDERED.**

10 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
11 reflects the court's ruling and that (check one):

12 ☐ The court has waived the requirement set forth in LR 9021(b)(1).

13 ☒ No party appeared at the hearing or filed an objection to the motion.

14 ☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
15 and any unrepresented parties who appeared at the hearing, and each has approved or
16 disapproved the order, or failed to respond, as indicated below [list each party and whether the
17 party has approved, disapproved, or failed to respond to the document]: N/A

18 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with
19 the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
20 order.

21 Respectfully Submitted By:

22 SNELL & WILMER L.L.P.

23 By: /s/Nathan G. Kanute

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